

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

ALL CASES

MDL 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**JOINT MOTION FOR ENTRY OF CONSENT ORDER TO ADDRESS PRIVILEGE
ISSUES RELATING TO CERTAIN CVS DOCUMENTS**

The Plaintiffs' Executive Committee in MDL 2804 (the "PEC") and Defendants CVS Rx Services, Inc., CVS Indiana, L.L.C., CVS TN Distribution, L.L.C., CVS Pharmacy, Inc., and Ohio CVS Stores, L.L.C. (together, "CVS") jointly move the Court to enter the proposed Order submitted herewith to resolve pending disputes regarding certain communications and documents which the CVS has designated as privileged in response to discovery requests proffered by the PEC. In support of this Motion, the PEC and CVS state as follows:

1. In the course of responding to discovery requests proffered by the PEC, CVS has designated as privileged certain communications and documents.
2. The PEC has challenged certain CVS privilege designations.
3. As a result of many meet and confers, the PEC and CVS have agreed to resolve the PEC's privilege challenges at issue.
4. The PEC and CVS seek to memorialize their agreement and to have the Court accept and adopt it as an Order of the Court in order to avoid any misunderstanding, and to protect CVS and its affiliates against any future privilege challenges in this or any other litigation to the documents that are privileged in whole or in part under the agreement, and to protect the PEC against any future claim

in this or any other litigation regarding whether any other party's or non-party's documents are privileged.

WHEREFORE, the PEC and CVS respectfully requests that the Court enter the proposed Order submitted herewith.

Date: August 24, 2021

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky
Alexandra W. Miller
ZUCKERMAN SPAEDER LLP
1800 M Street, NW
Suite 1000
Washington, DC 20036
Phone: (202) 778-1800
Fax: (202) 822-8106
E-mail: edelinsky@zuckerman.com
E-mail: smiller@zuckerman.com

*Counsel for CVS Rx Services, Inc. and CVS
Indiana, L.L.C.*

/s/ Anthony D. Irpino

Anthony D. Irpino
Pearl A. Robertson
IRPINO, AVIN, HAWKINS
2216 Magazine Street
New Orleans, Louisiana 70130
Phone: (504) 525-1500
Fax: (504) 525-1501
E-mail: airpino@irpinolaw.com
E-mail: probertson@irpinolaw.com

Counsel for Plaintiffs' Executive Committee